

## *Memorandum*

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## Law Department

OCT 13 2004

To Examiner Menon  
From Mark D. Marin *nsde*

Date October 13, 2004

**Re Discussion Points on USSN 09/900,368 for Preparation of Interview on October 20, 2004**

**\* This Memo is for Discussion Purposes ONLY \***

In preparation for the in-person interview on October 20, 2004 regarding USSN 09/900,368, entitled "Removable Filter for Slurry Hydrocarbon Synthesis Process", the applicants have submitted herein a brief of the interview discussion points as requested by Examiner Menon.

The Examiner issued a final rejection of claims 1-5 on September 3, 2004 under 35 U.S.C. § 102 and 35 U.S.C. § 103. The applicants respectfully disagree with these rejections and hope to clearly present the reasons the present invention is patentable in view of the cited prior art at the interview.

## 1. Claim Rejections - 35 U.S.C. § 102

The Examiner rejected claims 1-4 of the present invention under 35 U.S.C. § 102(b) as anticipated in view of Zievers et al (US 5,037,461). The Examiner further rejected claims 1-3 under 35 U.S.C. § 102(b) as being anticipated in view of Sekellick (US 4,552,669).

**CERTIFICATION OF FACSIMILE TRANSMISSION**

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Examiner Krishnan S. Menon of the United States Patent and Trademark Office,  
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**Kathleen A. Kuna**  
Print name of person signing certification

Kathleen A. Kenner October 13, 2004  
Signature Date

U.S. Serial No. 09/900,368  
Discussion Points on USSN 09/900,368  
For Preparation of Interview on October 20, 2004

Page 2

In their response dated July 21, 2004, the applicants argued that the porous ceramic design of Zievers would be unworkable in a slurry bulk column, and amended the claims accordingly. Applicants further argued that Sekellick's "shell" design would also cause many unwanted problems in a slurry bubble column, particularly a high rate of catalyst deactivation. The Examiner was not persuaded by these arguments because they were deemed to be merely speculative.

At the interview, the applicants will show that the design of the filters in Sekellick and Zievers is truly unworkable in a slurry bed, and will have proof to this assertion. If necessary, the applicants would consider amending the claims in order to achieve a prompt allowance of the claims.

## 2. Claim Rejections - 35 U.S.C. § 103

The Examiner also rejected claim 5 under 35 U.S.C. § 103(a) as unpatentable over Zievers in view of Sekellick, because claim 5 adds the limitation of sintered metallic filter elements, which Zievers does not teach, but Sekellick does.

Here again, the applicants hope to illustrate to the Examiner that this combination will not teach the limitations of the present invention because the present invention is for use in a slurry bubble column, while Zievers and Sekellick are not suitable for use in such a column. In fact, the references actually teach away from using their filters in a slurry column.

Applicants again wish to thank the Examiner for granting this interview, and look forward to working together to achieve allowance of the claims in this application. If any questions remain, the Examiner is invited to contact the applicants' attorney, Mark Marin, at (908) 730-3271.

MDM:kak